

Union Calendar No. 296

104TH CONGRESS
2^D Session

H. R. 1036

[Report No. 104-596]

A BILL

To amend the Metropolitan Washington Airports Act of 1986 to direct the President to appoint additional members to the board of directors of the Metropolitan Washington Airports Authority, to replace the Board of Review of the Airports Authority with a Federal Advisory Commission, and for other purposes.

MAY 29, 1996

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 1995

Mr. SHUSTER (for himself, Mr. MINETA, Mr. DUNCAN, and Mr. OBERSTAR) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

MAY 29, 1996

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on February 24, 1995]

A BILL

To amend the Metropolitan Washington Airports Act of 1986 to direct the President to appoint additional members to the board of directors of the Metropolitan Washington Airports Authority, to replace the Board of Review of the Airports Authority with a Federal Advisory Commission, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Metropolitan Washing-*
 5 *ton Airports Amendments Act of 1995”.*

6 **SEC. 2. AMENDMENT OF METROPOLITAN WASHINGTON AIR-**
 7 **PORTS ACT OF 1986.**

8 *Except as otherwise expressly provided, whenever in*
 9 *this Act an amendment or repeal is expressed in terms of*
 10 *an amendment to, or repeal of, a section or other provision,*
 11 *the reference shall be considered to be made to a section or*
 12 *other provision of the Metropolitan Washington Airports*
 13 *Act of 1986 (100 Stat. 3341–376 et seq.).*

14 **SEC. 3. USE OF LEASED PROPERTY.**

15 *Section 6005(c)(2) is amended by inserting before the*
 16 *period at the end of the second sentence the following:*
 17 *“which are not inconsistent with the needs of aviation”.*

18 **SEC. 4. BOARD OF DIRECTORS.**

19 *(a) APPOINTMENT OF ADDITIONAL MEMBERS.—Sec-*
 20 *tion 6007(e)(1) is amended—*

21 *(1) in the matter preceding subparagraph (A) by*
 22 *striking “11” and inserting “15”;*

23 *(2) in subparagraph (D) by striking “one mem-*
 24 *ber” and inserting “five members”.*

1 (b) *RESTRICTIONS*.—Section 6007(e)(2) is amended by
 2 striking “except that” and all that follows through the pe-
 3 riod and inserting “except that the members appointed by
 4 the President shall be registered voters of States other than
 5 Maryland, Virginia, or the District of Columbia.”.

6 (c) *TERMS*.—Section 6007(e)(3) is amended—

7 (1) in subparagraph (B) by striking “and” at
 8 the end;

9 (2) in subparagraph (C) by striking the period
 10 at the end and inserting “; and”; and

11 (3) by adding at the end the following:

12 “(D) by the President after the date of the
 13 enactment of this subparagraph, 2 shall be ap-
 14 pointed for 4 years.

15 A member may serve after the expiration of that
 16 member’s term until a successor has taken office.”.

17 (d) *VACANCIES*.—Section 6007(e) is further amended
 18 by redesignating paragraphs (4) and (5) as paragraphs (7)
 19 and (8), respectively, and by inserting after paragraph (3)
 20 the following:

21 “(4) *VACANCIES*.—A vacancy in the board of di-
 22 rectors shall be filled in the manner in which the
 23 original appointment was made. Any member ap-
 24 pointed to fill a vacancy occurring before the expira-
 25 tion of the term for which the member’s predecessor

1 *was appointed shall be appointed only for the re-*
 2 *mainder of such term.”.*

3 *(e) POLITICAL PARTIES OF PRESIDENTIAL AP-*
 4 *POINTEES.—Section 6007(e) is further amended by insert-*
 5 *ing after paragraph (4), as inserted by subsection (d) of*
 6 *this section, the following:*

7 *“(5) POLITICAL PARTIES OF PRESIDENTIAL AP-*
 8 *POINTEES.—Not more than 3 of the members of the*
 9 *board appointed by the President may be of the same*
 10 *political party.”.*

11 *(f) DUTIES OF PRESIDENTIAL APPOINTEES.—Section*
 12 *6007(e) is further amended by inserting after paragraph*
 13 *(5), as inserted by subsection (e) of this section, the follow-*
 14 *ing:*

15 *“(6) DUTIES OF PRESIDENTIAL APPOINTEES.—*
 16 *In carrying out their duties on the board, members of*
 17 *the board appointed by the President shall ensure that*
 18 *adequate consideration is given to the national inter-*
 19 *est.”.*

20 *(g) REQUIRED NUMBER OF VOTES.—Section*
 21 *6007(e)(8), as redesignated by subsection (d) of this section,*
 22 *is amended by striking “Seven” and inserting “Nine”.*

1 **SEC. 5. FEDERAL ADVISORY COMMISSION.**

2 (a) *IN GENERAL.*—Section 6007(f) is amended by
3 striking the subsection designation, heading and paragraph
4 (1) and inserting the following:

5 “(f) *FEDERAL ADVISORY COMMISSION.*—

6 “(1) *COMPOSITION.*—There is established a Fed-
7 eral Advisory Commission of the Airports Authority
8 which shall represent the interests of users of the Met-
9 ropolitan Washington Airports and shall be composed
10 of 9 members appointed by the Secretary of Transpor-
11 tation.”.

12 (b) *REFERENCES TO BOARD OF REVIEW.*—The Act is
13 amended—

14 (1) in section 6007(f) by striking “Board of Re-
15 view” each place it appears and inserting “Federal
16 Advisory Commission”;

17 (2) in section 6007(f)(3)—

18 (A) in the third sentence by striking
19 “Board” each place it appears and inserting
20 “Commission”; and

21 (B) in the fourth sentence by striking
22 “Board” the second place it appears and insert-
23 ing “Commission”;

24 (3) in the second sentence of section 6007(f)(6),
25 as redesignated by section 8(a) of this Act, by striking
26 “Board” and inserting “Commission”;

1 (4) in section 6007(f)(7), as redesignated by sec-
 2 tion 8(a) of this Act, by striking “Board” the second
 3 place it appears and inserting “Commission”; and

4 (5) in section 6009(b) by striking “Board of Re-
 5 view” and inserting “Federal Advisory Commission”.

6 (c) *OTHER CONFORMING AMENDMENTS.*—Section
 7 6007(f)(2) is amended—

8 (1) in subparagraph (A)—

9 (A) by striking “paragraphs (1)(A) and
 10 (1)(B)” and inserting “paragraph (1)”; and

11 (B) by striking the second sentence; and

12 (2) in subparagraph (D) by striking “and lists
 13 have been provided for appointments to fill such va-
 14 cancies”.

15 **SEC. 6. REVIEW PROCEDURE.**

16 (a) *SUBMISSION OF ACTIONS.*—Section 6007(f)(4)(A)
 17 is amended to read as follows:

18 “(A) *SUBMISSION REQUIRED.*—

19 “(i) *IN GENERAL.*—An action of the
 20 Airports Authority described in subpara-
 21 graph (B) shall be submitted to the Federal
 22 Advisory Commission, the Speaker of the
 23 House of Representatives, and the President
 24 Pro Tempore of the Senate at least 60 days
 25 before the action is to become effective.

1 “(ii) *URGENT AND COMPELLING CIR-*
2 *CUMSTANCES.—An action submitted to the*
3 *Federal Advisory Commission and Congress*
4 *in accordance with clause (i) may become*
5 *effective before the expiration of the 60-day*
6 *period referred to in clause (i) if the board*
7 *of directors certifies, in writing, to the Sec-*
8 *retary and Congress that urgent and com-*
9 *PELLING circumstances exist that signifi-*
10 *cantly affect the interests of the traveling*
11 *public and will not permit waiting for the*
12 *expiration of such 60-day period.”.*

13 (b) *RECOMMENDATIONS.—Section 6007(f)(4)(C) is*
14 *amended to read as follows:*

15 “(C) *RECOMMENDATIONS.—The Federal Ad-*
16 *visory Commission may make to the board of di-*
17 *rectors and Congress recommendations regarding*
18 *an action within 30 calendar days of its submis-*
19 *sion under this paragraph. Such recommenda-*
20 *tions may include a recommendation that the ac-*
21 *tion not take effect.”.*

22 (c) *EFFECT OF RECOMMENDATIONS.—*

23 (1) *REPEAL.—Section 6007(f)(4) is amended by*
24 *striking subparagraph (D) and by redesignating sub-*
25 *paragraph (E) as subparagraph (D).*

1 (2) CONFORMING AMENDMENT.—Section
 2 6007(f)(5)(B) is amended by striking “paragraph
 3 (4)(D)(ii)” and inserting “paragraph (4)”.

4 (d) EXPIRATION OF AUTHORITY.—Section 6007(f)(4)
 5 is amended by adding at the end the following:

6 “(E) EXPIRATION OF AUTHORITY.—

7 “(i) IN GENERAL.—Except as provided
 8 in clause (ii), the authority of the Airports
 9 Authority to take any of the actions de-
 10 scribed in subparagraph (B) shall expire on
 11 April 30, 1997.

12 “(ii) SPECIAL RULE.—If on any day
 13 after April 29, 1997, all of the members to
 14 be appointed to the board of directors by the
 15 President under section 6007(e)(1)(D) are
 16 serving on the board, the authority of the
 17 board referred to in clause (i) shall be effec-
 18 tive beginning on such day and shall expire
 19 on September 30, 1998.”.

20 (e) PROTECTION OF CERTAIN ACTIONS.—Actions taken
 21 by the Metropolitan Washington Airports Authority and
 22 submitted to the Board of Review pursuant to section
 23 6007(f)(4) of the Metropolitan Washington Airports Act of
 24 1986 before the date of the enactment of this Act shall re-
 25 main in effect and shall not be set aside solely by reason

1 *of a judicial order invalidating certain functions of the*
 2 *Board of Review.*

3 **SEC. 7. CONGRESSIONAL DISAPPROVAL PROCEDURES.**

4 (a) *COMMITTEE REFERRAL.*—Section 6007(f)(5)(C) is
 5 amended—

6 (1) *by striking “Public Works and Transpor-*
 7 *tation” and inserting “Transportation and Infra-*
 8 *structure”;* and

9 (2) *by striking “Commerce, Science and Tech-*
 10 *nology” and inserting “Commerce, Science, and*
 11 *Transportation”.*

12 (b) *HOUSE PROCEDURE.*—Section 6007(f)(5) is
 13 amended—

14 (1) *by striking subparagraphs (D), (E), and (F);*

15 (2) *by redesignating subparagraphs (G) and (H)*
 16 *as subparagraphs (E) and (F), respectively; and*

17 (3) *by inserting after subparagraph (C) the fol-*
 18 *lowing:*

19 “(D) *HOUSE PROCEDURE.*—When the com-
 20 *mittee of the House has reported a resolution, it*
 21 *is at any time in order to move that the House*
 22 *resolve into the Committee of the Whole House on*
 23 *the State of the Union for consideration of the*
 24 *resolution. All points of order against the resolu-*
 25 *tion and against consideration of the resolution*

1 are waived. The motion is highly privileged. The
2 previous question shall be considered as ordered
3 on that motion to its adoption without interven-
4 ing motion. A motion to reconsider the vote by
5 which the motion is agreed to or disagreed to
6 shall not be in order. Debate thereon shall be
7 limited to not more than 1 hour, the time to be
8 divided in the House equally between a pro-
9 ponent and an opponent. During consideration
10 of the resolution in the Committee of the Whole,
11 the first reading of the resolution shall be dis-
12 pensated with. General debate shall proceed with-
13 out intervening motion, shall be confined to the
14 resolution, and shall not exceed 2 hours equally
15 divided and controlled by a proponent and an
16 opponent of the resolution. After general debate,
17 the Committee shall rise and report the bill to
18 the House. The previous question shall be consid-
19 ered as ordered on the resolution to final passage
20 without intervening motion. A motion to recon-
21 sider the vote on passage of the resolution shall
22 not be in order.”.

1 **SEC. 8. OTHER MATTERS RELATING TO FEDERAL ADVISORY**
 2 **COMMISSION.**

3 (a) *REQUEST FOR CONSIDERATION OF OTHER MAT-*
 4 *TERS; PARTICIPATION IN MEETINGS.*—Section 6007(f) is
 5 amended by striking paragraphs (6) and (7) and by redес-
 6 ignating paragraphs (8), (9), (10), and (11) as paragraphs
 7 (6), (7), (8), and (9), respectively.

8 (b) *REMOVAL OF FEDERAL ADVISORY COMMISSION*
 9 *MEMBERS.*—Section 6007(f)(9), as redesignated by sub-
 10 section (a) of this section, is amended by striking “by a
 11 two-thirds vote of the board of directors” and inserting “by
 12 the Secretary of Transportation”.

13 **SEC. 9. EFFECT OF JUDICIAL ORDERS.**

14 (a) *IN GENERAL.*—Section 6007 is amended by strik-
 15 ing subsection (h) and by redesignating subsection (i) as
 16 subsection (h).

17 (b) *CONFORMING AMENDMENT.*—Section 6011 is
 18 amended by striking “Except as provided in section
 19 6007(h), if” and inserting “If”.

20 **SEC. 10. FEDERAL ADVISORY COMMITTEE ACT.**

21 Section 6007 is further amended by inserting after
 22 subsection (h), as redesignated by section 9(a) of this Act,
 23 the following:

24 “(i) *FEDERAL ADVISORY COMMITTEE ACT.*—The Fed-
 25 eral Advisory Committee Act (5 U.S.C. App.) shall not
 26 apply to the Federal Advisory Commission.”.

1 **SEC. 11. USE OF DULLES ACCESS HIGHWAY.**

2 *The Act is further amended by adding at the end the*
3 *following:*

4 **“SEC. 6013. USE OF DULLES ACCESS HIGHWAY.**

5 *“(a) RESTRICTIONS.—The Airports Authority shall*
6 *continue in effect and enforce paragraphs (1) and (2) of*
7 *section 4.2 of the Metropolitan Washington Airports Regu-*
8 *lations, as in effect on February 1, 1995.*

9 *“(b) ENFORCEMENT.—The district courts of the United*
10 *States shall have jurisdiction to compel the Airports Au-*
11 *thority and its officers and employees to comply with the*
12 *requirements of this section. An action may be brought on*
13 *behalf of the United States by the Attorney General, or by*
14 *any aggrieved party.”.*

15 **SEC. 12. AMENDMENT OF LEASE.**

16 *The Secretary of Transportation shall amend the lease*
17 *entered into with the Metropolitan Washington Airports*
18 *Authority under section 6005(a) of the Metropolitan Wash-*
19 *ington Airports Authority Act of 1986 to secure the Airports*
20 *Authority’s consent to the amendments made to such Act*
21 *by this Act.*

22 **SEC. 13. AVAILABILITY OF SLOTS.**

23 *(a) IN GENERAL.—Section 41714 of title 49, United*
24 *States Code, is amended—*

1 (1) in subsections (a)(1), (b)(1), and (c)(1) by
2 striking “(other than Washington National Airport)”;
3 and

4 (2) by redesignating subsection (h) as subsection
5 (i) and by inserting after subsection (g) the following:
6 “(h) *LIMITATION ON AUTHORITY TO GRANT EXEMP-*
7 *TIONS.—The Secretary shall not issue an exemption under*
8 *this section to the requirements of subparts K and S of part*
9 *93 of title 14 of the Code of Federal Regulations (pertaining*
10 *to slots at high density airports) if the grant of such exemp-*
11 *tion would adversely affect safety.”.*

12 (b) *CONFORMING AMENDMENT.—Section 6009(e)(1) is*
13 *amended by striking “The Administrator” and inserting*
14 *“Except as provided by section 41714 of title 49, United*
15 *States Code, the Administrator”.*